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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,532	08/15/2003	Robert L. Rae	18279-14445	2923
758	7590	11/07/2008	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			SHAH, ANTIM G	
ART UNIT	PAPER NUMBER			
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/642,532	<b>Applicant(s)</b> RAE, ROBERT L.
	<b>Examiner</b> ANTIM SHAH	<b>Art Unit</b> 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 19 August 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,3,12,13,15,17-22,25,32,40-42,59,62,63,71 and 96-98 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,12,13,15,17-22,25,32,40-42,59,62,63,71,96-98 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney)/or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. **Claims 1 and 59** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 34 respectively of copending Application No. 10/800473 in view of *Pogossiants, United States Patent Application Publication 2004/0052218*. Although the conflicting claims are not identical, they are not patentably distinct from each other because 10/800473 teaches a plurality of facilities connected to a call processing platform. Additionally, 10/800473 teaches that the call processing platform is connected to a carrier network. Note that 10/800473 also teaches a gateway for interfacing between an analog and

digital link. In brief, the claims are substantially similar with different wording to claim the features.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 21, 96, and 97** are rejected under 35 U.S.C. 112, second paragraph.

Claim 21 recites the limitation "a justice application management system connected to **the networking** for managing inmates at the networking for managing inmates at the multiple prison facilities...". There is insufficient antecedent basis for "**the networking**" in the claims . Claims 96-97 recites the limitation "**The system of claim 1...**" There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 3, 12, 13, 15, 17, 19-20, 32, 40-42, 59, 62, 63, and 96-98** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,985,478 to *Pogossiants et al.* ("Pogossiants").

As to **claim 1**, *Pogossiants* discloses a call processing platform for providing call processing services to multiple facilities [column 11 line 1 to column 12 line 46], comprising:

a networking device connected via digital data links to call processing gateways at the multiple facilities [Fig. 5, T-server 95, column 11 lines 10-34, column 11 lines 1-9, column 12 lines 18-46, particular when the organization hosting many call-centers facilities], at least one of the multiple facilities located remotely from the call processing platform [Fig. 5, column 11 lines 26-34, 57-61, T-server that is located remotely from call center facility 93] , each of the multiple facilities including multiple telephone terminals [Fig. 5, telephone stations 31, 33, 35, 38], the networking device receiving or sending data packets converted from or into call signals at the call processing gateways [column 11 lines 10-61, column 14 lines 39-64];

an unauthorized call activity detection system connected to the networking device for detecting unauthorized call activity associated with calls placed using one or more of the multiple telephone terminals [column 14 lines 43-49, column 16 lines 50-54, call control entity, column 22 lines 2-7, which recites the call control entity that provides Hang-up requests if a call is not allowed to continue]; and

a call application management system connected to the networking device and the unauthorized call activity detection system for processing and transmitting the calls from the multiple telephone terminals to a first telephone carrier network [column 16 lines 47-67, Switching Entity (SWE), Fig. 6, SWE is connected to CTI server, CTI server is connected to Internet network via IP router, Fig. 7, column 17 lines 47-59, column 21 lines 42-51].

*Pogossiants* does not expressly disclose wherein the facilities are prison facilities. However, *Pogossiants* discloses a facility with multiple telephone terminals that comprises a call processing system for use in processing calls associated with multiple facilities [see column 4 lines 37-62, column 11 line 1 to column 12 line 46]. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the call center call processing system for use in processing calls associated with the facility as taught by *Pogossiants* in a prison facility by coupling router and T-Server equipment to direct calls. The motivation for using the call center call processing system in a prison facility is to improve the configurability of the telephony system by providing a consistent call model for call control.

As to **claim 3**, *Pogossiants* discloses wherein the data packets comprise voice over Internet protocol data packets [column 4 lines 63-67, which recite a Voice over Internet Protocol network environment in which the call control and call switching mechanisms reside].

As to **claim 12**, *Pogossiants* discloses wherein said call processing gateways comprise voice over Internet protocol gateways [column 5 lines 1-3, which teach a Voice over Internet Protocol gateway].

As to **claim 13**, *Pogossiants* discloses wherein each of said call processing gateways provide at least one local area network interface for coupling with a computer workstation [See figure 6, which recites computer

workstations 601 and 621 that are connected to the router through the local area network 604].

As to **claim 15**, *Pogossiants* discloses wherein said call application management system communicates with said first telephone carrier network using digital data packets [column 16 lines 47-67, Switching Entity (SWE), Fig. 6, SWE is connected to CTI server, CTI server is connected to Internet network via LAN, Fig. 7, column 17 lines 47-59, column 21 lines 42-51]. It is inherent that the call application management system communicates with internet using data packets.

As to **claim 17**, *Pogossiants* discloses a media gateway connected to the networking device for placing said calls on said first telephone carrier network using analog signals [Fig. 5, column 11 lines 10-25].

As to **claim 19**, *Pogossiants* discloses a billing system, connected to said call application management system for providing real-time call accounting [column 12 lines 47-61, which teaches handling bill collection and credit analysis within the network].

As to **claim 20**, *Pogossiants* discloses a validation system connected to said call application management system for authorizing connecting of said calls to said first telephone carrier network [column 14 lines 43-49, column 16 lines 50-54, call control entity, column 22 lines 2-7, which recites the call control entity that provides Hang-up requests if a call is not allowed to continue].

As to **claim 32**, *Pogossiants* discloses interactive voice response functionality for providing messaging associated with processing of the calls [column 11 lines 36-38].

As to **claim 40**, *Pogossiants* discloses wherein said first carrier network comprises a SIP (Session Initiation Protocol) carrier [column 3 lines 29-35].

As to **claim 41**, *Pogossiants* discloses wherein said first carrier network comprises a MGCP (Media Gateway Control Protocol) carrier [column 3 lines 29-35, column 19 lines 26-39].

As to **claim 42**, *Pogossiants* discloses wherein said first carrier network comprises the PSTN (Public Switched Telephone Network) [Fig. 5, Fig. 6].

As to **claim 59**, *Pogossiants* discloses a method for processing calls for multiple facilities, the method carried out in a call processing platform, the method comprising [column 11 line 1 to column 12 line 46]:

connecting with call processing gateways at the multiple facilities via a digital data links [Fig. 5, T-server 95, column 11 lines 10-34, column 11 lines 1-9, column 12 lines 18-46, particular when the organization hosting many call-centers facilities], at least one of the multiple prison facilities located remotely from the call processing platform [Fig. 5, column 11 lines 26-34, 57-61, T-server that is located remotely from call center facility 93], each of the multiple facilities including multiple telephone terminals [Fig. 5, telephone stations 31, 33, 35, 38];

processing calls from the multiple telephone terminals received via call processing gateways for transmission over a telephone carrier network [column 11 lines 10-61, column 14 lines 39-64]; and

detecting unauthorized call activity associated with the calls [column 14 lines 43-49, column 16 lines 50-54, call control entity, column 22 lines 2-7, which recites the call control entity that provides Hang-up requests if a call is not allowed to continue].

*Pogossiants* does not expressly disclose wherein the facilities are prison facilities. However, *Pogossiants* discloses a facility with multiple telephone terminals that comprises a call processing system for use in processing calls associated with multiple facilities [see column 4 lines 37-62, column 11 line 1 to column 12 line 46]. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the call center call processing system for use in processing calls associated with the facility as taught by *Pogossiants* in a prison facility by coupling router and T-Server equipment to direct calls. The motivation for using the call center call processing system in a prison facility is to improve the configurability of the telephony system by providing a consistent call model for call control.

As to **claim 62**, *Pogossiants* discloses the method of claim 59, further comprising: coupling said call processing platform to the telephone carrier network via an analog interface [Fig. 5 bridge 87, column 9 lines 24-31, column 11 lines 10 to column 12 line 3].

As to **claim 63**, *Pogossiants* discloses the method of claim 59, further comprising: coupling said call processing platform to the telephone carrier network via a digital interface [Fig. 5 bridge 87, column 9 lines 24-31, column 11 lines 10 to column 12 line 3].

As to **claim 96**, *Pogossiants* discloses wherein the call application management system is further configured to processing and transmitting the calls from the multiple telephone terminals to a second telephone carrier network, the call application management system selecting either the first telephone carrier network or the second telephone carrier network for transmission of the calls [column 11 lines 10-25]. As per *Pogossiants*, Router acts as SCP for IPNT-originated calls and may route them to the IPNT call center or via the bridge to the COST network. [column 11 lines 23-25].

As to **claim 97**, *Pogossiants* discloses wherein the call application management system establishes connection for the calls over the first telephone carrier network and switches to connection over the second telephone carrier network responsive to detecting a predetermined event [column 11 lines 49-column 12 lines 3]. As per *Pogossiants*, if the call is miss-routed due to error (predetermined event), it can rerouted to another location in Internet or route the call back to PSTN [column 11 lines 49-column 12 lines 3].

As to **claim 98**, *Pogossiants* discloses the method of claim 59, further comprising: selecting one telephone carrier network among multiple telephone carrier networks connected to the call processing platform for processing and

transmission of the calls responsive to receiving the calls from the multiple telephone terminals [Fig. 5, Internet 15, PSTN 13, telephone stations 31, 33, 35, 38, column 11 lines 10-25]. As per *Pogossiants*, Router acts as SCP for IPNT-originated calls and may route them to the IPNT call center or via the bridge to the COST network. [column 11 lines 23-25].

7. **Claims 18 and 71** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,985,478 to *Pogossiants et al.* ("*Pogossiants*") in view of U.S. Patent No. 6,320,948 to *Heilmann et al.* ("*Heilmann*").

As to **claim 18**, *Pogossiants* does not expressly disclose call recording system.

In the same or similar fields of endeavor, *Heilmann* disclose call recording system [column 2 lines 1-11].

It would have been obvious to the person of ordinary skill in the art at the time of the invention to use remote management station to record inbound and outbound calls as taught by *Heilmann* with the call processing system as taught by *Pogossiants*. The motivation for using the security measures in the telephone security system as taught by *Heilmann* with the call processing system as taught by *Pogossiants* to provide a scalable and manageable telephony security system and method for controlling and logging access to an enterprise's telephone resources.

As to **claim 71**, *Heilmann* discloses recording the calls from the multiple telephone terminals [*Heilmann* column 2 lines 1-11]; and analyzing content of the calls for particular utterances to determine presence of threats in the calls [*Heilmann* column 5 lines 10-14].

8. **Claims 21-22, 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,985,478 to *Pogossiants et al.* ("*Pogossiants*") in view of U.S. Patent No. 7,333,798 to *Hodge* ("*Hodge*").

As to **claim 21**, *Pogossiants* teaches everything claimed, as applied to claim 1, with the exception of a justice application management system and a commerce system for managing commissary orders placed by the inmates.

In the same field of endeavor, *Hodge* teaches the justice application management system [*Hodge* col. 21 lines 48-60] and a commerce system for managing commissary orders placed by the inmates [*Hodge* column 6 lines 33-49].

It would have been obvious to the person of ordinary skill in the art at the time of the invention to modify *Pogossiants* to have the justice application management system as taught by *Hodge*. The suggestion/motivation would have been to identifying and authenticating an institutional calling party [*Hodge* column 9 lines 54-61].

As to **claim 22**, *Hodge* teaches whether a call forwarding feature is activated for call numbers associated with the calls [*Hodge* col. 8 lines 18-33].

As to **claim 25**, *Hodge* teaches wherein said justice application management system further provides investigative information with respect to said calls [*Hodge* col. 21 lines 48-60].

***Response to Arguments***

9. Applicant's arguments filed on 08/19/2008 with respect to Double Patenting have been fully considered but they are not persuasive. Amended claims 1 and 59 are still not distinguishable from the claims of U.S. Patent Application Serial No. 10/800,473 in view of *Pogossiants*. 10/800473 teaches a plurality of facilities connected to a call processing platform. Additionally, 10/800473 teaches that the call processing platform is connected to a carrier network. Note that 10/800473 also teaches a gateway for interfacing between an analog and digital link. In brief, the claims are substantially similar with different wording to claim the features. Examiner is maintaining the "Double Patenting" rejection for Claims 1 and 59.
10. Applicant's arguments filed on 08/19/2008 with respect to claims 1,3, 12, 13, 15, 17-22, 25, 32, 40-42, 59, 62, 63, 71, 96-98 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTIM SHAH whose telephone number is (571)270-5214. The examiner can normally be reached on Monday to Friday 7:30 am-5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571)272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. S./  
Examiner, Art Unit 2614

/Quynh H Nguyen/  
Primary Examiner, Art Unit 2614